

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ELIZABETH TREMBLAY, et al.,

Plaintiffs,

v.

MOHEGAN SUN CASINO,

Defendant.

Civil Action No. 15-14164-DJC

MEMORANDUM AND ORDER

CASPER, J.

April 27, 2016

For the reasons stated below, the Court dismisses this action.

Elizabeth Tremblay (“Tremblay”) has filed an action against Mohegan Sun Casino in which she complains that she never received a hearing on a claim raised in a previous action. She states that she “filed in CT, then it went to NY, then here in Boston, and [I] never have been heard.” Compl, D. 1., at 2.¹

This case is duplicative of Tremblay v. Mohegan Sun Casino, C.A. No. 15-11678-DJC (D. Mass.), which the Court dismissed on May 8, 2015 on the ground of res judicata. As the Court already explained, the employment discrimination claim against Mohegan Sun Casino, which Tremblay filed in the District of Connecticut, was dismissed for lack of jurisdiction. The district court held that the Mohegan Tribe enjoyed sovereign immunity. The Second Circuit affirmed on the same ground. This Court held that, under the doctrine of res judicata, the finding of lack of jurisdiction could not be relitigated in the District of Massachusetts. See id., D. 5.

¹James M. Robertson is also listed in the caption of the complaint and he signed the complaint. However, the complaint is written in first person singular and it does not contain any reference to more than one aggrieved party.

After Tremblay filed the present action, the First Circuit upheld this Court's dismissal of C.A. No. 15-11678-DJC for lack of jurisdiction. See id., D. 13, 14. Tremblay then filed, in the present action, two motions in which she complains of the outcome of her appeal. See C.A. No. 15-14164-DJC, D. 4, 5.

Tremblay's allegation that she has "never been heard" does not have any bearing on the outcome of the case. Nothing in her complaint changes the fact that the issue of whether a federal court can exercise jurisdiction over her claim against Mohegan Sun Casino was litigated and decided against her in the District of Connecticut and the Second Circuit. Tremblay cannot relitigate the matter. Finally, this Court is without jurisdiction to adjudicate the outcome of (what amounts to) an appeal before the Court.

Accordingly, this action is DISMISSED for lack of subject matter jurisdiction and all motions shall be terminated as moot.

So ordered.

/s/ Denise J. Casper
United States District Judge